



Chambers of
Elizabeth A. Wolford
Chief Judge

United States District Court
Western District of New York
100 State Street
Rochester, New York 14614

Tel 585-613-4320
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December 16, 2021

BY CM/ECF FILING

Jeanne M. Vinal, Esq.
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In re: Zenith, et al v. Allstate et al. (Case No.: 1:15-cv-00696)

Dear Ms. Vinal:

The Court is in receipt of your letter dated December 14, 2021, sent in response to the Clerk of Court's letter dated November 8, 2021, disclosing that at the time United States District Judge Richard J. Arcara presided over the above-referenced matter, either he or his spouse owned stock in Allstate Corp.

As advised in the Clerk of Court's letter dated November 8, 2021, this information only recently came to Judge Arcara's attention, and therefore he instructed that the Clerk of Court notify the parties. To the extent you are seeking information regarding the personal financial situation of Judge Arcara or any other judge, copies of any judge's financial disclosure reports may be requested from the Financial Disclosure Office of the Administrative Office of the U.S. Courts in accordance with the requirements of the Ethics in Government Act of 1978.

As to your question regarding federal judges' ability to own stock in liability insurance companies, a copy of the Code of Conduct for United States Judges can be found online at <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

Finally, with respect to your question as to what judicial officer "decided the conflict issue within the case as to not require defendant to get new counsel and allow substitution of Zenith," as noted in the Clerk of Court's letter of November 8, 2021, the only actions taken by Judge Arcara related to referring the matter to a magistrate judge and approving stipulations of discontinuance and a joint request for a temporary stay. The docket in the matter indicates that a motion for substitution of counsel addressed to United States Magistrate Judge James Orenstein of the United States District Court for the Eastern District of New York was filed on October 19, 2015 (Dkt. 12),

Jeanne M. Vinal, Esq.
December 16, 2021
Page 2

and was terminated by the Clerk of Court's Office on October 20, 2015, with instructions to refile with the correct judge and district referenced. The motion was not thereafter refiled, and no judge in this District (including Judge Arcara) entered an order addressing the matter of substitution of counsel.

It does not appear from your letter that you are seeking any affirmative relief from the Court at this time. To the extent you wish to seek affirmative relief in the future, a formal motion setting forth the precise relief sought must be filed. In the event that such a motion is filed, it will be decided by a judge other than Judge Arcara.

Very truly yours,



Hon. Elizabeth A. Wolford
Chief Judge

cc: All counsel of record (by CM/ECF)